

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:09-CR-0072-03**
:
v. : **(Judge Conner)**
:
DESHAWN LIVINGSTON :

ORDER

AND NOW, this 22nd day of April, 2010, upon consideration of defendant's *pro se* motion (Doc. 279) for change of appointed counsel, and it appearing that defendant's current counsel, Laurence C. Kress, Esquire ("Attorney Kress"), "does not take a formal position" on the motion, but "would leave the matter to the Court's considered discretion," (see Doc. 283 at 4), and it further appearing that irreconcilable conflicts have arisen between defendant and Attorney Kress, see 18 U.S.C. § 3006a(c) ("[T]he court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings."); United States v. Welty, 674 F.2d 185, 188 (3d Cir. 1982) (identifying "irreconcilable conflict" as cause for appointing substitute counsel); see also PA. RULES PROF'L CONDUCT R. 1.7, 1.16; UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, CRIMINAL JUSTICE ACT PLAN at 8 (2005), it is hereby ORDERED that:

1. Defendant's motion (Doc. 279) to remove Attorney Kress as counsel is GRANTED.
2. The appointment of Laurence C. Kress, Esquire, as counsel for defendant in the above-captioned case is TERMINATED.

3. Christopher A. Ferro, Esquire, of Griest, Himes, Herrold, Schaumann, Ferro LLP, 129 East Market Street, York, Pennsylvania 17401, telephone number (717) 846-8856, is appointed to represent defendant in the above-captioned case.
4. The Clerk of Court is directed to forward all necessary materials to Christopher A. Ferro, Esquire, as soon as possible.
5. Laurence C. Kress, Esquire, is directed to provide to Christopher A. Ferro, Esquire, the file in the above-captioned case as soon as possible.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge